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ABSTRACT

The Committee on University Governance was charged with the responsibility of conducting a new study of the University of New Mexico's governance and to recommend improvements. This report contains a discussion and recommendations relating to: (1) the creation of a University Community Council, including its functions, size and composition; (2) the need for a student voice in matters of curriculum and quality of instruction; (3) faculty organization; (4) the creation of the position of University Ombudsman; and (5) grievance and disciplinary procedures. Included in the appendices are: (1) examples of statements which might be used in the Regents' Statement on Rights; (3) a model Bill of Rights and Responsibilities; and (4) the Harvard Resolution on Rights and Responsibilities. (AF)

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Committee on University Governance

REPORT TO THE REGENTS

of

The University of New Mexico

May 1971

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REPORT
OF THE COMMITTEE ON UNIVERSITY GOVERNANCE

University of New Mexico
May 1971

Letter of Transmittal

May 10, 1971

Mr. Calvin P. Horn
President of the Board of Regents
University of New Mexico
Albuquerque, New Mexico

Dear Mr. Horn:

The report which follows comprises our recommendations to the Regents respecting means of improving the governance of the University.

We regard the recommendations under the five principle headings--University Community Council, A Student Voice in Matters of Curriculum, etc., Faculty Organization, Ombudsman, and Grievance and Disciplinary Procedures--as separable, and expect that some of them could be effectuated more quickly than others.

If the Regents approve of these recommendations, some further action by the University Faculty, and the respective student governments, and the administration will in most cases be required to put them into effect. We hope, therefore, that those various constituencies will carefully consider the report. We are transmitting it to them as as well as to the Board of Regents.

Respectfully submitted,

Edwin C. Hoyt
Chairman, Committee on
University Governance

TABLE OF CONTENTS

INTRODUCTION..... 1

I. A UNIVERSITY COMMUNITY COUNCIL..... 2

1. Functions of the Council..... 2
2. Size and Composition..... 3
3. Means of Improving Communication Between the Council and the Broader University Community..... 4
4. Effect on Existing Committees..... 4
5. Amendments and Reapportionment..... 4

II. A STUDENT VOICE IN MATTERS OF CURRICULUM AND QUALITY OF INSTRUCTION 5

III. FACULTY ORGANIZATION..... 6

IV. UNIVERSITY OMBUDSMAN..... 8

V. GRIEVANCE AND DISCIPLINARY PROCEDURES..... 10

1. Regents' Statements..... 10
2. U.N.M. Code..... 13
3. University of New Mexico Faculty-Student Grievance Board..... 16
4. University of New Mexico Faculty-Student Court..... 23
5. University of New Mexico Faculty-Student Supreme Court..... 30

APPENDIX A: Examples of Statements Which Might be Used in Regents' Statement on Rights..... 35

APPENDIX B: Joint Statement on Rights and Freedoms of Students..... 37

APPENDIX C: A Model Bill of Rights and Responsibilities..... 47

APPENDIX D: Harvard Resolution on Rights and Responsibilities.... 57

REPORT

OF THE COMMITTEE ON UNIVERSITY GOVERNANCE

Introduction

The Committee on University Governance was established by the Regents of the University January 10, 1970 and was charged with the responsibility of conducting a new study of the University's governance and recommending improvements in the same. Members of the Committee were designated by the Regents from persons nominated by five constituencies, Administration, Faculty, Alumni, Graduate Students, and Undergraduate Students. The final list of Committee members appears at the end of this report. Several other persons served on the Committee for varying periods during its work, but had to resign because of graduation or absence from the University.*

The Committee selected as the most important topics on which to focus its attention a University Community Council, a student voice in matters of curriculum and quality of instruction, faculty organization, a University Ombudsman, and improved grievance and disciplinary procedures. Our recommendations on each of these subjects are contained in the report.

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*These were: Roy D. Caton, Ron Curry, Frank Gorham, Jr., Bert Hansen, John Howarth, Carol Lazorik, James B. Mulcock, and William Pickens.

I

A UNIVERSITY COMMUNITY COUNCIL

As a means of improving communication and consensus on campus we propose the establishment of a "University Community Council." The new institution is not intended to lessen the importance of the Faculty, with its primary responsibility for academic policy, or of Student Government, with its primary responsibility for student activities. The Council would seek to ensure that the concerns and the views of each constituent element would be heard and considered by the others. The concept assumes the acceptance of three principles: disclosure (there should be no decisions on problems of community concern until the component groups have been accorded an opportunity to be heard), responsiveness (each of the component groups, at all levels of decision-making, must accept the obligation to give responsible consideration to the views of the others), and accountability (decisions that may run contrary to the sentiments of component groups should be explained and justified).

1. Functions of the Council

a) The Council is to function as a forum rather than a legislature. It would be entitled to receive from the central administration advance notice of approaching policy questions of general concern, and it would have the authority to consider any issue of community-wide concern, to investigate, and to recommend solutions to its component groups. The Council would not be an agency for the adjudication of individual cases or controversies, though consideration of questions of policy suggested by such cases would be properly within its province. Questions concerning possible future changes in governance of the University would be appropriate subjects of Council consideration and recommendations.

Rationale: Since the Council will make recommendations rather than decisions which purport to bind the faculty or administration, since those elements will be amply represented, and since the faculty will retain its ultimate responsibility with respect to educational

policy, we believe no group need feel threatened by the proposed Council. We would, however, expect the Council to be an influential institution. The reasons are well expressed in a report on the proposal for a similiar community council now in effect at Princeton University:

> "The Council would afford an opportunity for /all major groups/ to find generally acceptable solutions to the common problems of the University community. If they should do so, there would be no question but that the Council's recommendations would carry great weight. If they should fail to reach agreement, however, or if they were to reach an agreement which did not reflect substantial bodies of opinion, then their recommendations would not be very influential, and they should not be. The point we are making is simple: The power of the Council would not depend in any fundamental sense on the authority given it on paper. It would depend on the Council's performance. If it should function well, it would be powerful. If it should fail to function well, any paper powers given it would only be a hindrance to the effective functioning of the University, not a help."*

b) The University Council shall make nominations to the Regents for the position of University Ombudsman.

2. Size and Composition

The Council should be large enough to be fairly representative of its component groups but small enough for easy and informal internal communication. We suggest the following scheme of representation:

a) The membership of the University Council shall consist of: The President of the University, the Academic Vice-President, two other Vice-Presidents designated by the President and two representatives of the Academic Deans chosen by the latter;

b) Nineteen members of the faculty, including the Chairman of the Policy Committee (or Faculty Senate Executive Committee), the Chairman of the Committee on Academic Freedom and Tenure, and seventeen faculty members elected at large, including at least six non-tenured faculty and at least two each from Arts and Sciences, Medicine, Education, Engineering and Fine Arts;

c) Fifteen undergraduate students, including the student body President and Vice-President, the President pro tem of the Student Senate and twelve elected representatives;

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*"A Proposal to Establish the Council of the Princeton University Community," Princeton University, May 1969.

d) Four graduate students including the President and Vice-President of the Graduate Student Association and two elected representatives;

e) Two alumni chosen by the Alumni Association;

f) And three representatives of staff of the University.

The President of the University should be the Council's presiding officer because a primary objective would be to draw him into improved communication with the other elements. The very small components from alumni and university staff would provide liaison with those groups. Filling of the staff positions would depend on formation of a representative staff council or councils, capable of selecting authorized representatives.

3. Means of Improving Communication Between the Council and the Broader University Community

Improving communication among its component groups may sometimes make it desirable for the Council to hold executive sessions, but to attain its objective of community-wide communication and informed consensus, wide publicity should normally be given to the work of the Council. While the size of the Council itself must be kept limited in order to facilitate informal internal discussion, it may be desirable to extend its reach and its effectiveness as a forum by opening some of its discussions to wide outside participation, while reserving the vote on proposals to Council Members. A small steering committee shall prepare agenda for Council meetings.

4. Effect on Existing Committees

It is expected that establishment of the University Community Council will eliminate the need for some presently existing committees, such as the Committee on the University, the Student Affairs Committee, and the President's Advisory Council.

5. Amendments and Reapportionment

The Council should propose to the Regents re-apportionment or other amendments to its charter, whenever such changes seem necessary.

II

A STUDENT VOICE
IN MATTERS OF CURRICULUM AND QUALITY OF INSTRUCTION

Students should have an effective voice in all matters that directly relate to the character and quality of the instruction they receive. Although clearly the faculty must continue to bear primary responsibility for instruction, we believe students should participate fully and actively in the development of courses and curricula and in the evaluation of teaching.

Experience demonstrates that student participation in these matters will be most effective at the departmental level. Differences in faculty-student ratios, in the character of courses of study, and in the needs of students in various programs mean that no one formula for student consultation is likely to be appropriate for all of the University's schools and colleges. Involvement of students might be accomplished by engaging faculty and students in discussions of matters of curriculum and instruction, by forming student committees or joint faculty-student committees, or by periodic open meetings of faculty and students. However the method may vary, the administration and the faculty should require each department and school to devise and utilize some procedure which will serve to bring about meaningful student participation in decisions affecting courses and curricula. Once such procedures have been established they should be regularly re-examined to assure their effectiveness.

Ample evidence exists with respect to the value of well-structured systems for student evaluation of the quality of teaching.* It is imperative that such a system be officially established at the University of New Mexico and that student opinions concerning teaching be formally recognized by departments, schools, and colleges as a major factor in decisions concerning promotions, reappointments, and tenure.

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*See Eble, K.E. The Recognition and Evaluation of Teaching (1970)

III

FACULTY ORGANIZATION

On November 3, 1970 the Committee recommended the establishment of a Faculty Senate. This recommendation was considered, and rejected by the University Faculty at its meeting of November 17, 1970. The recommendations made at that time were in the form of draft resolutions as follows:

A. Be It Resolved That

> The University of New Mexico faculty approves the creation of a University of New Mexico Faculty Senate consistent with the following:
>
> 1. The University of New Mexico faculty Senate shall be empowered to act on all faculty business other than certain specified business to be reserved to the faculty as a whole.
>
> 2. The University of New Mexico Faculty Senate shall be truly representative of all areas of the University and of all teaching ranks within the University.
>
> 3. The faculty, as a body of the whole, shall meet at least twice each year to act on that certain specified business reserved to the faculty and to discuss any matter of university concern.
>
> 4. The faculty, as a body of the whole, may meet from time to time to discuss any matter of university concern. The chairman of the faculty shall call a meeting of the faculty when any ___ (a specified number) members of the faculty make a request in writing that he or she call a meeting.

B. Be It Further Resolved That

> The faculty elect an ad hoc committee (1) to propose the structure and procedures of the University of New Mexico Faculty Senate, (2) to propose the amendments to the current Faculty Constitution which would be necessary for the implementation of the ad hoc committee's proposed structure and procedures, and (3) to present its proposals to the faculty for faculty adoption.

While the University Faculty has indicated that it is not in favor of the proposal for a University Senate

at the present time, we recommend that the faculty be asked to reconsider the Senate idea no later than two years from the date of this report.

IV
UNIVERSITY OMBUDSMAN

1. We propose creation of the position of University Ombudsman. The Ombudsman should be a knowledgeable, influential, articulate, and vigorous person in the University system who listens to anyone who needs help or feels that he or she has a grievance.*

The Ombudsman should have the power to investigate any University matter, and should have, for this purpose, unlimited access to official records. He preserves confidentiality where necessary. He seeks informal solution of problems or grievances. If informal solutions fail, he has the power, so long as he does not betray a confidence, to publish his findings and opinions. He shall, on request, make the kind of reports called for in the procedures on grievance and discipline. Should his investigation indicate the need for recognition of a new right or enactment of a new rule, he should be authorized to recommend this to the appropriate authorities, or to the Regents. He has no other powers beyond these.

Most of his activities will go on in an atmosphere of privacy, informality, and confidentiality. He will work "behind the scenes" and without explicit power to compel anyone to do anything beyond providing access to records pertinent to the case. Much of his work will consist of explaining the system--of showing citizens existant avenues of relief from their problems; explaining why procedures that have caused difficulty exist, how they work, and how they can be used or coped with; explaining where services, information, and advice may be obtained; and explaining what documents or regulations mean and how they may be applied to particular situations. In short, much of his work will be educational.

2. We recommend that the Ombudsman be appointed by the Regents from a list of not more than three persons

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*The Ombudsman is intended especially to serve students, but he or she should be accessible also to faculty, administrators, parents, alumni, or staff. We recommend a separate grievance procedure for staff grievances relating to wages and conditions of work.

nominated by the University Council. The Ombudsman should be appointed for one year and should not be removed except for cause. The appointment should be renewable. The position should initially be half-time and the Ombudsman should be provided with an office and adequate secretarial help. After the first year the question whether more time or additional assistance is required should be examined by the University Council.

V

GRIEVANCE AND DISCIPLINARY PROCEDURES

We believe that fair and efficient operation of grievance and disciplinary procedures must be based on clear understanding by the University community of the broad policy context within which University rules are to be developed and administered, a clear statement of rights and responsibilities of students and faculty, and a code of clearly defined rules.

1. Regents' Statements

The grievance and disciplinary procedures which we recommend in this part of our report presuppose the adoption and promulgation of official Regents' Statements on the following subjects:

a) University goals and policy.

b) Rights and responsibilities of students and faculty at the University of New Mexico.

c) Delegations of rule-making, administrative, and adjudicative authority, in specified matters, to the Administration, the Faculty, and student governments.

d) Standards to be applied in reviewing the actions of recipients of delegated authority.

e) Procedure to be followed by the Regents in amending the basic statements referred to in subparagraphs (a) to (d).

Presently, the Faculty Handbook, in its section on "Government and Support" (pp. 17ff.), contains many excellent statements on goals and policy and on rights and responsibilities. However, this section of the Handbook is not well organized. An untitled introduction contains (1) a commendation, (2) a citation to a recent U.S. Supreme Court decision, (3) a delegation of authority to the President of the University, and (4) a statement that the Regents do not guarantee members of the University a right not to be disciplined merely because the same conduct is punishable under state or federal criminal laws. The statement on "Rights and Responsibilities at the

University of New Mexico" which follows this introduction contains (1) rather vague delegations of authority, (2) a statement of the scope of the Regents' review of decisions made by those to whom authority has been delegated, (3) a number of very specific rules of conduct, (4) some statements which purport to be specific rules but which are so vague as to be in fact further statements of policy, (5) a set of sanctions, (6) specific rules for a state of emergency which purport to be "policy" rather than rules, (7) a statement concerning when the Regents meet, and (8) a statement concerning the sources of the University's support.

We believe that it is essential in developing fair and efficient grievance and discipline procedures that there be separate statements by the Regents on the five topics, (a) through (e).

The Regent's Statement on "University Goals and Policy" would provide a basic framework to guide people at the University in developing, administering, and using rules to guide conduct. One part of the statement might provide that rules shall be developed and administered in order to discourage conduct which adversely affects the University's educational function, disrupts community living on campus, interferes with the rights of others to pursue their education, or affects adversely the processes of the University. Broad, policy-oriented language of this kind is appropriate as part of a statement of policy though it should not have to serve as a rule.

In Appendix "A" we suggest some examples of statements which might form part of a Regents' Statement on Rights and Responsibilities. Other excellent statements are contained in the (1967) Joint Statement on Rights and Freedoms of Students (our Appendix "B") and in the Model Bill of Rights and Responsibilities which is contained in the Report of the Carnegie Commission on Higher Education of March 14, 1971. The Model Bill, and commentary by the Commission, are included in our Appendix "C."*

Concerning the suggested Regents' Statement on Delegation of Authority, we think it essential in develop-

*See also Resolution on Rights and Responsibilities adopted at Harvard University, Appendix "D."

ing fair and effective grievance and disciplinary procedures that people within the University have a clear understanding of how the Regents have delegated their authority. The statement should clearly specify to whom, within the University, there have been delegated various areas of rule-making, administrative, and adjudicatory authority.

As to the need for a Regents' Statement on standards to be applied in reviewing the exercise of delegated authority, we note that the former Regents' policy provided ". . . the Regents will not interfere with decisions . . . except as these may have been arrived at in a capricious, unfair, or arbitrary manner." These standards have been repealed, and there presently exist no standards for determining when the Regents will change a rule, an administrative decision, or an adjudicative decision made by one of their delegates. We believe the absence of a standard is inconsistent with the development of fair and efficient grievance and disciplinary procedures. When there are no standards for review, hearing bodies and other decision makers tend to become demoralized. There is little incentive to go through the time-consuming task of arriving at an objective decision because there is the suspicion that what one really is expected to do is to guess at what decision the Regents would make if they had never delegated the authority in the first place. This is particularly demoralizing to the people involved in a disciplinary hearing. The parties on each side tend not to present all the evidence as thoroughly and effectively as possible because they know they can probably present new evidence to the Regents and have the Regents decide the matter de novo.

There should be definite standards specifying (1) when the Regents will review the procedures followed by the holders of delegated authority, (2) when the Regents will review the substance of a decision, and (3) when the Regents will reassume delegated authority and exercise it as though it had not been delegated.

Concerning the need for a Regents' Statement of Procedure to be followed in amending the other basic

statements, we suggest that, as everyone in the University community is affected by the Regents' basic statements which form the foundation for governance of the University, everyone should have an opportunity to suggest changes and to express himself concerning proposed changes before they are adopted by the Regents. Up to now, the Regents have not published any procedures to be followed by them in making such changes.

2. U.N.M. Code

We recommend that the Regents establish and publish an official U.N.M. Code. Persons or bodies to whom rule-making authority has been delegated should be obliged to publish, as part of this Code, all rules in force at the University. The Code should also contain specific statements as to the range of sanctions applicable to each rule. The Regents should guarantee, as one of the rights specified in the Statement on Rights and Responsibilities, (1) that no discipline shall be imposed unless there has been a finding of violation of one of the rules published in the Code and (2) that no grievance shall be heard by the Faculty-Student Grievance Board unless it is based on an allegation that one of the specific rules published in the Code has been violated or that one of the specific rights guaranteed in the Regents' Statement of Rights and Responsibilities has been denied.*

Before one can successfully use rules to organize conduct, there must be rules, i.e. (1) there must be specific statements of the conduct that is required or prohibited and (2) those specific statements must be accessible to those who are attempting to use them.

The principle that there must be rules in order for there to be a process of using rules is frequently violated. This happens at the University of New Mexico in at least two ways:

First, there is a lack of specificity. Some of the statements that pass for "rules" at the University of New Mexico are vague statements of principle which are

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*The need for clear and precise rules at the base of university disciplinary procedures is discussed in the recent Report of the American Bar Association on Campus Government and Student Dissent at pp. 20-22. See also the report of the Carnegie Commission, our Appendix "C."

not sufficiently specific to be used as guides for conduct or to be administered fairly as rules. There are, of course, many specific rules at U.N.M.; however, in the past few years many of the most visible and highly publicized disciplinary cases have been based on allegations of violations of these vague statements which should not serve the function of rules.

The Regents recognized this point in Section 6 of their statement on Rights and Responsibilities at the University of New Mexico, adopted in August of 1970: "One of the important aspects of academic due process is a clear statement of the kinds of conduct that will lead to University disciplinary action. It is deemed important, therefore, to clarify the type of conduct which shall be considered to affect adversely the University's educational function, to disrupt community living on campus, or to interfere with the right of others to the pursuit of their education or to conduct their University duties and responsibilities." However, this same policy language was repeated in the list which purported to set out more specific rules. (See paragraph xi.)

A second failing in respect to rules at U.N.M. concerns accessibility. There is no single publication at the University of New Mexico--in fact, there is no single office at the University of New Mexico--which one can consult for a complete and authoritative statement of rules which may be the basis of a disciplinary charge. Rules concerning parking and traffic are published in one pamphlet; rules concerning obstruction and disruption are published somewhere else; rules concerning dishonesty are published in yet another place; housing rules are published in another. Many of our "rules" are not even formally promulgated; they are just presumed to be understood by all right-thinking men and women as part of our common sense and as contained within the general principle that one ought not interfere with the University's educational function or disrupt community living.

We believe the Regents should not themselves promulgate specific rules of conduct--that instead, the Regents should (1) specifically delegate rule-making authority in various areas to various officers and groups within the University, (2) establish appropriate guidelines for the exercise of that authority, and (3) establish procedures for reviewing the issue of whether the authority is being exercised capriciously, arbitrarily, or unfairly. However, if the Regents do retain the specific rules adopted on August 8, 1970, or if they adopt other specific rules, there should be a separate chapter of the U.N.M. Code clearly labeled "Regent-Promulgated Rules" and there should be a prefatory explanation that this is a chapter of specific rules adopted by the Regents without a delegation of rule-making authority.

It is essential that Regent-promulgated rules be collected separately from rules promulgated through the regular channels of delegated authority in order that members of the University community can know (1) to whom they should petition to attempt to have a particular rule changed and (2) to what source they should look for the history and purpose of a particular rule.

3. University of New Mexico Faculty-Student Grievance Board

1. Jurisdiction:

The University of New Mexico Faculty-Student Grievance Board shall have jurisdiction to hear complaints brought by any member of the University community--except complaints specifically within the jurisdiction of some other judicial body. The Board shall hear only grievances which allege that the complainant has been injured by an action or inaction which contravenes a right guaranteed by the Regents' Statement of Rights and Responsibilities or a rule published in the U.N.M. Code of Conduct.

The Board has jurisdiction to hear complaints against grading when a student alleges and demonstrates to the satisfaction of the Board that improper considerations have entered into the assigning of his or her grade.

2. Composition:

The Grievance Board shall consist of three hearing panels. A grievance shall be heard by a single panel. Each panel shall be composed of (1) two undergraduate students; (2) one graduate student; (3) three faculty members, no more than one of whom may hold an administrative post; and (4) one third-year law student who shall serve as panel chairman and legal advisor and who shall vote only in the event of a tie. Also, there shall be a third-year law student who shall serve the three panels as the Grievance Board Administrator.

The President of the Associated Students, with the approval of the ASUNM Student Senate, shall appoint six regular undergraduate student members and three alternate undergraduate student members.

The President of the Graduate Student Association, with the approval of the Graduate Student Council, shall appoint three regular graduate student members and three alternate graduate student members.

The University Faculty shall elect nine regular faculty members and six alternate faculty members.

The University Community Council shall appoint three third-year law students as regular legal advisors

and three third-year law students as alternate legal advisors; and also shall appoint one third-year law student as a regular Grievance Board Administrator and one third-year law student as an alternate Grievance Board Administrator.

The terms of office shall be one year and members shall be eligible for re-appointment or re-election for one additional consecutive term.

A person may not held more than one position in the grievance and disciplinary process.

3. Duties of the Grievance Board Administrator:

The Administrator has the duties:

a. to constitute, at the beginning of each academic year, the three independent hearing panels by assigning members of the Board to particular panels,

b. to maintain properly constituted panels throughout the year by appointing alternates when there is a vacancy for any reason, including the reason of disqualification,

c. to send copies of documents to respondents as provided below,

d. to assign particular cases to the various panels as provided below,

e. to maintain and dispose of records as provided below,

f. to participate in the adoption of additional rules as provided below.

4. Complaint:

Proceedings before the Board shall be commenced by the complainant's causing to be delivered to the administrator (1) a statement which specifies the particular University rule or right which is alleged to have been contravened and what person or persons are alleged to have contravened the rule or right, and (2) a statement from the University Ombudsman stating what steps have been taken to dispose of the grievance informally and stating whether the Ombudsman believes further efforts at informal resolution are likely to be profitable. The requirement of a statement from the University Ombudsman

shall be waived if the Ombudsman refuses or is unable to provide a statement.

The Administrator shall cause to be delivered to the respondent, i.e. to any person named in the complaint as having contravened a right or rule: (1) a copy of the allegation, (2) a copy of the Ombudsman's statement, (3) a copy of this statement explaining the functions, duties, and procedures of the Grievance Board, (4) a copy of rules in force which have been adopted by the Board pursuant to Section 8 below, and (5) a list of the members of the particular panel to which the case has been assigned.

As soon as the Administrator receives a complaint, he or she shall assign the case to one of the hearing panels. Cases shall be assigned (1) in such a way as to make the workload of the panels as even as possible and (2) in such a way as to attempt to avoid the need for disqualification.

A complaint that fails to allege conduct within the jurisdiction of the Board shall be dismissed by the panel to which it is assigned without a hearing. In the event of such a dismissal, the complainant shall have the right to file a new or amended complaint.

5. Response:

Within one week of receipt of the complaint, the respondent shall cause a written response to be delivered to the chairman of the panel to which the case has been assigned. The response shall state either (1) the respondent agrees that he contravened the rule or right as alleged and he does not want to be heard by the panel, (2) the respondent agrees that he contravened the rule or right as alleged and he does want to be heard by the panel, (3) the respondent does not agree that he contravened the rule or right as alleged and he does not want to be heard by the panel, or (4) the respondent does not agree that he contravened the rule or right as alleged and he does want to be heard by the panel. In the discretion of the chairman of the panel, the one week period for response may be extended.

6. Procedure When No Hearing is Requested or When There is a Failure to Respond

If the respondent does not request a hearing or if he or she fails to respond, the panel shall decide whether the grievance complaint constitutes adequate grounds for relief. In its discretion, the panel may investigate the truth of the complaint and may request that the complaining party present proof thereof.

7. Procedure When a Hearing is Requested:

a. Before setting the case for hearing, the panel may request additional information, and may itself make inquiries and investigations. If the panel is of the opinion that further efforts at informal resolution should be made, it may so inform the complainant and the respondent and it may continue the case for that purpose. If the complainant fails to pursue bona fide efforts at such informal resolution, the panel may dismiss the complaint.

b. Subject to delays incident to such efforts at informal resolution, the chairman of the panel, upon receipt of the complaint and the response, shall, after consulting the persons involved, set a time and place for the hearing. In setting such time, the chairman shall take into account the need of the various people involved for sufficient time to prepare their presentations. Whenever a person shows to the panel's satisfaction that delay in the panel's action will injure him, the panel shall hear the case as soon as possible, and may in its discretion reinstate the status quo ante pending the hearing.

c. If the respondent does want to be heard, the panel shall conduct a hearing. The complainant and respondent may have counsel or an advisor present, and shall have the opportunity to present witnesses and other evidence and to confront and question opposing witnesses, but the procedure for hearing witnesses is within the discretion of the panel. The parties shall also be permitted to present written or oral arguments. Lawyers or other counsel may be permitted to ask questions at the

panel's discretion. The panel is not required to follow formal court procedure or judicial rules of evidence; however, at all times the panel shall be concerned for basic fairness.

d. The complainant or respondent may challenge for cause one or more of the panel members, i.e., he or she may request that one or more of the members be disqualified and replaced by an alternante. The only cause for disqualification is an inability to be fair and impartial in hearing the case and in arriving at a decision. When a panel member who is challenged for cause refuses to recuse himself or herself, the remaining members of the panel shall vote to determine whether he or she should be removed for cause.

e. A verbatim record of the proceedings shall be kept, the cost of such records to be borne by the University. Ordinarily, the record shall consist of a tape recording of the proceedings. Unlesss both the complainant and the respondent agree to its necessity, no typed record shall be made. The University shall bear the cost if a typed record is made.

f. The complainant or respondent shall have the aid of the University administration and the panel, when needed, in securing the attendance of witnesses and in obtaining necessary information.

g. When it is impossible for the complainant or respondent to secure the attendance of a witness at the hearing, a written statement signed by the witness may be introduced at the hearing. Any such statement shall be disclosed to all parties sufficiently in advance to permit them to interrogate the witness prior to the hearing. Any signed, written reply to the statement, as well as the original statement, shall be admissible at the hearing.

h. The Administrator shall maintain the verbatim record for 90 days after the final decision in a case. At the end of that 90 day period he or she shall have the verbatim record erased or disposed of. The Summer recess shall be excluded for purposes of computing this period.

i. The panel may adopt additional rules of procedure for a particular case so long as they are consistent with those herein provided and with rules in force which have been adopted by the Board.

8. Adoption of Additional Rules for the Board

The Administrator and the chairmen of all of the panels, acting as a committee on rules, shall from time to time adopt additional rules for the Board. The additional rules shall be consistent with the rules herein provided.

9. Decision by the Panel--Whether or Not There Has Been A Hearing:

If the panel decides that the complainant has been injured as alleged or if the respondent admits that he or she contravened a rule or right as alleged, the panel shall order appropriate action to correct the injury and to prevent its recurrence. The panel shall remember that its function is never disciplinary or penal; its only function is to grant relief to the complainant.

In cases involving charges of unfair evaluation of academic work, the panel shall bear in mind that the instructor is the ultimate authority in assigning grades; however, if the evidence shows that improper considerations entered into the assigning of a grade, the action ordered may be that specific courses or requirements be waived, or that the grade for a particular course not be counted in computing grade point averages, or that other appropriate relief be afforded by the proper authority.

The panel shall notify the complainant and respondent of its decision.

When the panel's decision requires some action, a copy of the decision shall be sent to the appropriate administrative authority ordering the action that is to be taken.

10. Appeal From the Panel's Decision:

There is no right of appeal of the decision of the U.N.M. Faculty-Student Grievance Board. However, the complainant and respondent should note that the Regents have a process for discretionary review of any matter

relating to the University.

11. Resort to Committee on Academic Freedom and Tenure:

The absence of a right of appeal shall not affect the rights provided under the University Policy on Academic Freedom and Tenure in any circumstance in which a person alleges that a decision of the panel is a violation of his or her academic freedom. Whenever the Committee on Academic Freedom and Tenure considers such an allegation, the chairman of the panel which delivered the decision shall always have a right to be made a party to the case. If the Committee on Academic Freedom and Tenure decides that the decision of the panel was a violation of academic freedom, the panel's decision shall be void.

4. University of New Mexico Faculty-Student Court

1. Jurisdiction:

The University of New Mexico Faculty-Student Court shall have original jurisdiction to hear a charge, brought by the President of the University or by a University official authorized to act in his name, that any member of the University community has violated one or more of the specific rules of conduct published in the U.N.M. Code of Conduct.

2. Composition:

The University Court shall consist of three hearing panels. A case shall be heard by a single panel. Each panel shall be composed of (1) two undergraduate students; (2) one graduate student; (3) three faculty members, none of whom shall hold any administrative post; and (4) one third-year law student who shall serve as panel chairman and legal advisor and who shall vote only in the event of a tie. Also, there shall be a third-year law student who shall serve the three panels as the University Court Administrator.

The President of the Associated Students, with the approval of the ASUNM Student Senate, shall appoint six regular undergraduate student members and three alternate undergraduate student members.

The President of the Graduate Student Association, with the approval of the Graduate Student Council, shall appoint three regular graduate student members and three alternate graduate student members.

The University Faculty shall elect nine regular faculty members and six alternate faculty members.

The University Community Council shall appoint three third-year law students as regular legal advisors and three third-year law students as alternate legal advisors; and also shall appoint one third-year law student as a regular University Court Administrator and one third-year law student as an alternate University Court Administrator.

The terms of office shall be one year, and members shall be eligible for reappointment or reelection for

one additional consecutive term.

A person may not hold more than one position in the grievance and disciplinary process.

3. Duties of the University Court Administrator:

The Administrator has the duties:

a. to constitute, at the beginning of each academic year, thre three independent hearing panels by assigning members of the University Court to particular panels,

b. to maintain properly constituted panels throughout the year by appointing alternates when there is a vacancy for any reason, including the reason of disqualification,

c. to send copies of documents, as provided below,

d. to assign particular cases to the various panels as provided below,

e. to maintain and dispose of records as provided below,

f. to participate in the adoption of additional rules as provided below.

4. Informal Disposition by the President or other University Official Without Filing a Complaint:

Before filing a complaint the President or other official authorized to act in his name shall give a prospective defendant an opportunity to accept imposition of an appropriate sanction without use of the formal disciplinary process. In no event shall a sanction be imposed informally without the consent of the prospective defendant. The Ombudsman should be useful in this informal process; and, as provided below, his report concerning this informal process is an important part of a complaint.

5. Complaint:

Proceedings before the University Court shall be commenced by the President of the University or by a University official authorized to act in his name. The President or such official may commence proceedings by causing to be delivered to the University Court Administrator (1) a statement from the University Ombudsman stating what steps have been taken to dispose of the case informally and stating whether the Ombudsman believes further efforts

at informal resolution are likely to be profitable, and (2) a statement which specifies which University rule is alleged to have been contravened and what person or persons are alleged to have contravened the rule. The requirement of a statement from the University Ombudsman shall be waived if the Ombudsman refuses or is unable to provide a statement.

The Administrator shall cause to be delivered to the defendant (1) a copy of the allegation, (2) a copy of the Ombudsman's statement, (3) a copy of this statement explaining the functions, duties, and procedures of the University Court, (4) a copy of rules in force which have been adopted by the University Court pursuant to section 9 below, and (5) a list of the members of the particular panel to which the case has been assigned.

Immediately the Administrator receives a complaint, he or she shall assign the case to one of the hearing panels. Cases shall be assigned (1) in such a way as to make the workload of the panels as even as possible and (2) in such a way as to attempt to avoid the need for disqualification.

6. Answer:

Within one week of receipt of the complaint, the defendant shall cause a written answer to be delivered to the chairman of the panel to which the case has been assigned. The answer shall state either (1) the defendant agrees that he contravened the rule as alleged and he does not want to be heard by the panel, (2) the defendant agrees that he contravened the rule as alleged and he does want to be heard by the panel, (3) the defendant does not agree that he contravened the rule as alleged and he does not want to be heard by the panel, or (4) the defendant does not agree that he contravened the rule as alleged and he does want to be heard by the panel. In the discretion of the chairman of the panel, the one week period for answer may be extended.

7. Procedure When No Hearing is Requested or When There is a Failure to Answer:

If the defendant does not request a hearing or if

he or she fails to answer, the panel shall decide whether the complaint constitutes adequate grounds for disciplinary action. In its discretion, the panel may investigate the truth of the complaint and may request that the President or official present proof thereof.

8. Procedure When a Hearing is Requested:

a. Before setting the case for hearing, the panel may request additional information, and may itself make inquiries and investigations. If the panel is of the opinion that further efforts at informal resolution should be made, it may so inform the President or official and the defendant, and it may continue the case for that purpose. If the President of the University or official fails to pursue bona fide efforts at such informal resolution, the panel may dismiss the complaint.

b. Subject to delays incident to such efforts at informal resolution, the chairman of the panel, upon receipt of the complaint and the answer, shall, after consulting the parties, set a time and place for the hearing. In setting such time, the chairman shall take into account the need of the parties for sufficient time to prepare their presentations. Whenever a party shows to the panel's satisfaction that delay in the panel's action will injure him or her or will injure the University, the panel shall hear the case as soon as possible, and may in its discretion reinstate the status quo ante pending the hearing.

c. If the defendant does want to be heard, the panel shall conduct a hearing. The parties may have counsel or an advisor present, and shall have the opportunity to present witnesses and other evidence and to confront and question opposing witnesses, but the procedure for hearing witnesses is within the discretion of the panel. The parties shall also be permitted to present written or oral arguments. Lawyers or other counsel may be permitted to ask questions at the panel's discretion. The panel is not required to follow formal court procedure or judicial rules of evidence; however, at all times the panel shall be concerned for basic fairness.

d. Any party may challenge for cause one or more of the panel members, i.e., he or she may request that one or more of the members be disqualified and replaced by an alternate. The only cause for disqualification is an inability to be fair and impartial in hearing the case and in arriving at a decision. When a panel member who is challenged for cause refuses to recuse himself or herself, the remaining members of the panel shall vote to determine whether he or she should be removed for cause.

e. A verbatim record of the proceedings shall be kept, the cost of such records to be borne by the University. Ordinarily, the record shall consist of a tape recording of the proceedings. Unless both parties agree to its necessity, no typed record shall be made. The University shall bear the cost if a typed record is made.

f. The parties shall have the aid of the University administration and the panel, when needed, in securing the attendance of witnesses and in obtaining necessary information.

g. When it is impossible for a party to secure the attendance of a witness at the hearing, a written statement signed by the witness may be introduced at the hearing. Any such statement shall be disclosed to all parties sufficiently in advance to permit them to interrogate the witness prior to the hearing. Any signed, written reply to the statement, as well as the original statement, shall be admissible at the hearing.

h. If there is no appeal, the Administrator shall maintain the verbatim record for ninety days after the final decision in a case. If there is an appeal, the Administrator, who is to have the record returned to him by the Chairman of the Supreme Court, shall maintain the verbatim record for ninety days after the final decision by the Supreme Court. At the end of the appropriate ninety day period the Administrator shall have the verbatim record erased or disposed of. The Summer recess shall be excluded for purposes of computing these periods.

i. The panel may adopt additional rules of

procedure for a particular case so long as they are consistent with those herein provided and with rules in force which have been adopted by the University Court.

9. Adoption of additional rules for the University Court:

The Administrator and the chairmen of all of the panels, acting as a committee on rules, shall from time to time adopt additional rules for the University Court. The additional rules shall be consistent with the rules herein provided.

10. Decision by the Panel--Whether or Not there Has Been a Hearing:

If the panel decides that the defendant violated a rule as alleged or if the defendant admits that he or she violated a rule as alleged, the panel shall order appropriate disciplinary action. In no event shall the disciplinary action ordered be outside the range of disciplinary action specified in the code as possible consequences of contravening the particular rule which has been contravened. In cases in which State action has taken place, the panel shall consider any prior punishment already imposed in determining the appropriate University discipline.

The panel shall notify the parties of its decision. If either party has requested a written opinion, the panel shall prepare a written opinion containing specific findings of fact supporting its decision on each of the stated charges, and the chairman of the panel shall cause a copy of the opinion to be delivered to each party at the same time the panel's decision is delivered. If a written opinion has been requested, the official date of the decision can not be earlier than the date on which a copy of the opinion has been delivered to the last party to whom delivery is made.

When the panel's decision requires some action, a copy of the decision shall be sent to the appropriate administrative officer ordering the action that is to be taken.

11. Appeal:

Any party has the right to appeal a decision of the University Court to the University Supreme Court.

12. Resort to Committee on Academic Freedom and Tenure:

It is not necessary to exhaust the remedy of appeal to the University Supreme Court in order to exercise the rights provided under the University Policy on Academic Freedom and Tenure in any circumstance in which a person alleges that a decision of the panel is a violation of his or her academic freedom. Whenever the Committee on Academic Freedom and Tenure considers such an allegation, the chairman of the panel which made the decision shall always have a right to be made a party to the case. If the Committee on Academic Freedom and Tenure decides that the decision of the panel was a violation of academic freedom, the panel's decision shall be void.

5. University of New Mexico Faculty-Student Supreme Court

1. Jurisdiction:

The University of New Mexico Faculty-Student Supreme Court shall hear appeals from decisions of the University Faculty-Student Court and other University judicial bodies the procedures of which provide for a right of appeal to the Supreme Court.

The appeal will not be a retrial of the case but will be a review of the record made before the lower judicial body to determine whether any prejudicial error was made.

2. Composition:

The Supreme Court shall consist of (1) two undergraduate students; (2) two graduate students; (3) four faculty members, none of whom shall hold an administrative post; and (4) one third-year law student who shall serve as Chairman and legal advisor and who shall vote only in the event of a tie.

The President of the Associated Students, with the approval of the ASUNM Student Senate, shall appoint two regular undergraduate student members and two alternate undergraduate student members.

The President of the Graduate Student Association, with the approval of the Graduate Student Council, shall appoint two regular graduate student members and two alternate graduate student members.

The University Faculty shall elect four regular faculty members and three alternate faculty members.

The University Community Council shall appoint one third-year law student as regular court chairman and one third-year law student as alternate court chairman.

The terms of office shall be one year, and members shall be eligible for reappointment or reelection for one additional consecutive term.

A person may not hold more than one position in the grievance and disciplinary process.

3. Duties of the Chairman:

The Chairman has the duties to:

a. call the court into session as frequently as needed so that the Court can always dispose of business promptly,

b. set time limitations for oral argument and to notify parties of these limitations as provided below,

c. cause complaints, statements, briefs, and notices, to be delivered as provided below,

d. set the times and places for oral arguments as provided below,

e. appoint alternates when there is a vacancy for any reason, including the reason of disqualification.

f. return records to lower judicial bodies as provided below.

4. Procedure Before the Court:

a. Proceedings before the Court shall be commenced by the appellant's causing to be delivered to the Chairman a written notic of appeal.

b. In order to preserve the right to appeal, the written notice of appeal must be filed within one week after the decision of the lower judicial body. However if there has been resort to the Committee on Academic Freedom and Tenure, the time for appeal shall begin to run from the date of the decision of the Committee on Academic Freedom and Tenure.

c. The written notice of appeal must contain specific allegations of the prejudicial errors which the appellant claims occurred before the lower judicial body.

d. Errors that may be alleged in an appeal are the following and no others:

(1) Failure of the lower judicial body to follow applicable University rules.

(2) Failure of the lower judicial body to follow its own rules.

(3) A finding of facts made by the lower judicial body which is not supported by any relevant and material evidence

e. An error is prejudicial if the decision of the lower judicial body might have been different had that error not been made.

f. The Chairman shall cause to be delivered to the appellee (1) a copy of the appellant's written notice of appeal, (2) a copy of this statement explaining the functions, duties, and procedures of the Court, (3) a copy of rules in force which have been adopted by the University Supreme Court pursuant to section 5 below, and (4) a statement of the membership of the Court.

g. Each party shall have the right to present arguments to the Court in the form of a written brief and in the form of oral argument. In each case the Chairman shall set the time limit for oral arguments and, at least one week prior to the date set for oral argument, the Chairman shall notify the parties as to the time limitation which has been set. In the discretion of the Court the time limits may be extended.

h. Within one week after filing the notice of appeal, the appellant shall cause to be delivered to the Chairman any written brief he or she intends to submit.

i. If the appellant files a brief, the Chairman shall cause a copy of the appellant's brief to be delivered to the appellee.

j. Within one week after receipt of the appellant's brief the appellee shall cause to be delivered to the Chairman any written brief he or she intends to submit.

k. If the time limitation for filing an appellant's brief has run and the appellant has not filed a brief, the Chairman shall cause to be delivered to the appellee a notice that within one week of receipt of the notice the appellee shall cause to be delivered to the Chairman any written brief he or she intends to submit.

l. If the appellee files a brief, the Chairman promptly shall cause a copy of the appellee's brief to be delivered to the appellant.

m. In the discretion of the Chairman, the time limitations for the submission of written briefs may be extended.

n. Upon receipt of the written notice of appeal, the Chairman, after consultation with the parties, shall set

a time and place for oral arguments. The Chairman shall take into account the need of the parties for sufficient time to prepare. In no event shall the date set for oral argument be earlier than the date on which the appellee's written brief will be due.

o. Any party may challenge for cause one or more of the members of the Court, i.e., he or she may request that one or more of the members be disqualified and replaced by an alternate. The only cause for disqualification is an inability to be fair and impartial in hearing the case and in arriving at a decision. When a member of the Court who is challenged for cause refuses to recuse himself or herself, the remaining members of the Court shall vote to determine whether he or she should be removed for cause.

5. Adoption of Additional Rules for the Supreme Court

The Supreme Court shall, from time to time, adopt additional rules consistent with those herein provided.

6. Decision by the Court:

After all arguments have been received and the Court has considered them, the Court shall determine whether or not any prejudicial errors were made. If one or more prejudicial errors were made the Court shall reverse the decision of the lower judicial body in writing and remand the case to the lower judicial body with specific instructions that the prejudicial error be corrected. If the Court determines that the error cannot be corrected without a new hearing, the Court shall also order that the lower judicial body conduct a new hearing. The Court should remember that its functions are different from those of the lower judicial body in that the Court never hears witnesses or weighs evidence. The Court's role with regard to evidence is limited to determining whether there is any relevant and material evidence in the record on a given point. If there is any relevant and material evidence in the record to support a particular finding of fact, the decision of the lower judicial body on the weight of the evidence is not to be reversed. If no errors were made by the lower judicial body, the Court shall affirm the decision in writing.

7. Returning Records:

When the Court has disposed of an appeal the Chairman shall return all records to the lower judicial body.

8. Appeal:

There is no right of appeal of the decision of the University of New Mexico Faculty-Student Supreme Court. However, parties should notethat the Regents have a process for discretionary review of any matter relating to the University.

9. Resort to Committee on Academic Freedom and Tenure:

The absence of a right of further appeal shall not affect the rights provided under the University Policy on Academic Freedom and Tenure in any circumstance in which a person alleges that a decision of the panel is a violation of his or her academic freedom. Whenever the Committee on Academic Freedom and Tenure considers such an allegation, the Chairman of the University Supreme Court shall always have a right to be made a party to the case. If the Committee on Academic Freedom and Tenure decides that the decision of the Supreme Court was a violation of academic freedom, the Court's decision shall be void.

Note: The Committee recommends compensation of students holding administrative or advisory positions in the grievance and disciplinary process where these positions prove to be particularly burdensome.

Clinton Adams	Dean, College of Fine Arts
W.W. Atkinson	Attorney, Alumni Association Representative
Edward Benavidez	Undergraduate Student, College of Arts & Sciences
Albert Chavez	Undergraduate Student, College of Arts & Sciences
Paul B. Davis	Associate Professor, College of Arts & Sciences
Richard C. Dove	Dean, College of Engineering
Mrs. Maxine Friedman	Alumni Association Representative
Edwin C. Hoyt	Chairman of Governance Committee, Professor College of Arts & Sciences
Wilson Ivins	Professor, College of Education
Harold Lavender	Vice-President for Student Affairs
Ralph D. Norman	Professor, College of Arts & Sciences
John McNerney	Undergraduate Student, College of Arts & Sciences
Kathleen McNerney	Graduate Student, College of Arts & Sciences
James O'Neill	Graduate Student, College of Arts & Sciences
Pamela Powell	Undergraduate Student, College of Arts & Sciences
John P. Salazar	Attorney, Alumni Association Representative
Sidney Solomon	Professor, School of Medicine
Robert Walker	Assistant Professor, School of Law
Nathaniel Wollman	Dean, College of Arts and Sciences

APPENDIX A

EXAMPLES OF STATEMENTS WHICH MIGHT BE
USED IN A REGENTS" STATEMENT ON RIGHTS

Concerning the substance of a statement of basic rights: Again, many of the statements in the section on "Government and Support" would be excellent as part of a statement of basic rights guaranteed by the Regents. For example,

(1) Students and teachers shall have the right of free speech, the right of free press, and the rights peaceably to assemble and to petition.

(2) Students and teachers have no right to avoid University discipline merely because the events which gave rise to the disciplinary charge are also punishable in the criminal courts.

(3) University rules which can lead to disciplinary action must be stated clearly.

Each of the rights above is suggested by the material in the section on "Government and Support." Other statements concerning rights which Regents should include are as follows:

(1) University rules which can lead to disciplinary action must be published in the U.N.M. Code of Conduct or in the supplement to that publication prior to the date of the conduct which is alleged as the basis for the offense.

(2) There shall be no dress code at the University of New Mexico.

(3) Generally, punishment shall be imposed only after an adjudication of a charge. However, prompt and decisive disciplinary action may be required in extreme cases before there is an opportunity to conduct the hearing, as in cases in which a person's continued presence on campus constitutes an immediate threat of injury to the well being or property of the University community. The imposition of an interim penalty should entitle the accused to a prompt hearing on the charges against him. Fundamental fairness requires an informal review of the decision to impose an interim penalty in the absence of a prompt hearing on the charges.

(4) Rules at the University shall be promulgated and administered without invidious discrimination based on sex, race, religion or ethnic background.

(5) There shall be no ideological censorship of anything written, published, composed, or created at the University of New Mexico.

(6) Editors and managers of publications shall not be suspended or removed arbitrarily.

(7) Within the classroom, teachers have the right to control the order and direction of the class and to control the scope and treatment of the subject matter.

(8) Within the classroom, teachers have the right to determine whether the classroom may be used to ventilate grievances.

(9) Students who express their disagreement with the teacher's conduct of the course without disrupting the classroom itself shall not be subjected to instructional reprisal or punitive grading for doing so.

(10) Instructional evaluation of a student shall not be based on political bias, individual prejudice, or other considerations not reflecting a professional assessment of educational performance.

(11) When it can be shown that disciplinary rules are being enforced in an invidiously discriminatory manner, the charges shall be dismissed.
This does not mean, however, that the University is required to refrain from prosecuting some offenders because there are other offenders who cannot be identified or who are not presently being tried for some other valid reason. In the absence of evidence of discriminatory enforcement, the University may properly try those offenders against whom charges have been brought although it is clear that there are other offenders who are not before the tribunal.

(12) Other statements of rights guaranteed by the Regents might be developed out of the Joint Statement on Rights and Freedoms of Students.

APPENDIX B

JOINT STATEMENT ON RIGHTS AND FREEDOMS OF STUDENTS

(Adopted in 1967 by the Association of American Colleges, the United States National Student Association, the American Association of University Professors, the National Association of Women Deans and Counselors, and the National Association of Student Personnel Administrators.)

Preamble

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students should be encouraged to develop the capacity for critical judgement and to engage in a sustained and independent search for truth. Institutional procedures for achieving these purposes may vary from campus to campus, but the minimal standards of academic freedom of students outlined below are essential to any community of scholars.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conductive to the freedom to learn is shared by all members of the academic community. Each college and university has a duty to develop policies and procedures which provide and safeguard this freedom. Such policies and procedures should be developed at each institution within the framework of general standards and with the broadest possible participation of the members of the academic community. The purpose of this statement is to enumerate the essential provisions for student freedom to learn.

I. Freedom of Access to Higher Education

The admissions policies of each college and university are a matter of institutional choice provided that each college and university makes clear the characteristics and expectations of students which it considers relevant to success in the institution's program. While church-related institutions may give admission preference to students of their own persuasion, such a preference should be clearly and publicly stated. Under no circumstances should a student be barred from admission to a particular institution on the basis of race. Thus, within the limits of its facilities, each college and university should be open to all students who are qualified according to its admission standards. The facilities and services of a college should be open to all of its enrolled students, and institutions should use their influence to secure equal access for all students to public facilities in the local community.

II. In the Classroom

The professor in the classroom and in conference should encourage free discussion, inquiry, and expression. Student performance should be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

A. Protection of Freedom of Expression. Students should be free to take reasoned exception to the data or views offered in any course of study and to reserve judgement about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

B. Protection Against Improper Academic Evaluation. Students should have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

C. Protection Against Improper Disclosure. Information about student views, beliefs, and political associations which professors acquire in the course of their work as instructors, advisers, and counselors should be

considered confidential. Protection against improper disclosure is a serious professional obligation. Judgements of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.

III. Student Records

Institutions should have a carefully-considered policy as to the information which should be part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records should be separate, and the conditions of access to each should be set forth in an explicit policy statement. Transcripts of academic records should contain only information about academic status. Information from disciplinary or counseling files should not be available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved except under legal compulsion or in cases where the safety of persons or property is involved. No records should be kept which reflect the political activities or beliefs of students. Provision should also be made for periodic routine destruction of non-current disciplinary records. Administrative staff and faculty members should respect confidential information about students which they acquire in the course of their work.

IV. Student Affairs

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

A. Freedom of Association. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

2. Affiliation with an extramural organization should not of itself disqualify a student organization

from institutional recognition.

3. If campus advisers are required each organization should be free to choose its own adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers. They should not be required to submit a membership list as a condition of institutional recognition.

5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian.

B. Freedom of Inquiry and Expression.

1. Students and student organizations should be free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

2. Students should be allowed to invite and to hear any person of their own choosing. Those routine procedures required by an institution before a guest speaker is invited to appear on campus should be designed only to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities should not be used as a device of censorship. It should be made clear to the academic and

larger community that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.

C. Student Participation in Institutional Government.

As constituents of the academic community, students should be free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body should have clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities should be made explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

D. Student Publication.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large.

Whenever possible the student newspaper should be an independent corporation financially and legally separate from the university. Where financial and legal autonomy is not possible, the institution, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

Institutional authorities, in consultation with students and faculty, have a responsibility to provide written clarification of the role of the student publications,

the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications the following provisions are necessary:

1. The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage.

2. Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

3. All university published and financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the college, university, or student body.

V. Off-Campus Freedom of Students

A. Exercise of Rights of Citizenship.

College and university students are both citizens and members of the academic community. As citizens, students should enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials should insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus.

B. Institutional Authority and Civil Penalties.

Activities of students may upon occasion result in violation of law. In such cases, institutional officials should be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority should never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violated institutional regulations in the course of his off-campus activity, such as those relating to class attendance, should be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

VI. Procedural Standards in Disciplinary Proceedings

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance, and admonition. At the same time, educational institutions have a duty and the corollary disciplinary powers tc protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an Honor Code, and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary

responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations, procedural fair play requires that the student be informed of the nature of the charges against him, that he be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no Honor Codes offering comparable guarantees.

A. Standards of Conduct Expected of Students

The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations should represent a reasonable regulation of student conduct but the student should be as free as possible from imposed limitations that have no direct relevance to his education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings should be instituted only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook or a generally available body of institutional regulations.

B. Investigation of Student Conduct

1. Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students should not be searched unless appropriate authorization has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought. The student should be present, if possible, during the search. For premises not controlled by the institution, the ordinary requirements for lawful search should be followed.

2. Students detected or arrested in the course of serious violations of institutional regulations, or infractions of ordinary law, should be informed of their rights. No form of harassment should be used by institutional representatives to coerce admissions of guilt or information about conduct of other suspected persons.

C. Status of Student Pending Final Action

Pending action on the charges, the status of a student should not be altered, or his right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, faculty, or university property.

D. Hearing Committee Procedures.

When the misconduct may result in serious penalties and if the student questions the fairness of disciplinary action taken against him, he should be granted, on request, the privilege of a hearing before a regularly constituted hearing committee. The following suggested hearing committee procedures satisfy the requirements of procedural due process in situations requiring a high degree of formality:

1. The hearing committee should include faculty members or students, or, if regularly included or requested by the accused, both faculty and student members. No member of the hearing committee who is otherwise interested in the particular case should sit in judgement during the proceeding.

2. The student should be informed, in writing, of the reasons for the proposed disciplinary action with sufficient particularity, and in sufficient time, to insure opportunity to prepare for the hearing.

3. The student appearing before the hearing committee should have the right to be assisted in his defense by an adviser of his choice.

4. The burden of proof should rest upon the officials bringing the charge.

5. The student should be given an opportunity to testify and to present evidence and witnesses. He should have an opportunity to hear and question adverse witnesses. In no case should the committee consider

statements against him unless he has been advised of their content and of the names of those who made them, and unless he has been given an opportunity to rebut unfavorable inferences which might otherwise be drawn.

6. All matters upon which the decision may be based must be introduced into evidence at the proceeding before the hearing committee. The decision should be based solely upon such matter. Improperly acquired evidence should not be admitted.

7. In the absence of a transcript, there should be both a digest and a verbatim record, such as a tape recording, of the hearing.

8. The decision of the hearing committee should be final subject only to the student's right of appeal to the President or ultimately to the governing board of the institution.

APPENDIX C

A MODEL BILL OF RIGHTS AND RESPONSIBILITIES

for Members of an Institution of Higher Education: Faculty, Students, Administrators, Staff, and Trustees

(from the Report of the Carnegie Commission on Higher Education, March 14, 1971.)

Following is a model bill of rights and responsibilities for all constituents of a college or university, as contained in a report by the Carnegie Commission on Higher Education.

Members of the campus have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. All members share the obligation to respect:

The fundamental rights of others as citizens.

The rights of others based upon the nature of the educational process.

The rights of the institution.

The rights of members to fair and equitable procedures for determining when and upon whom penalties for violation of campus regulations should be imposed.

1

As citizens, members of the campus enjoy the same basic rights and are bound by the same responsibilities to respect the rights of others, as are all citizens.

Among the basic rights are freedom of speech, freedom of the press, freedom of peaceful assembly and association, freedom of political beliefs, and freedom from personal force and violence, threats of violence, and personal abuse.

Freedom of press implies the right to freedom from censorship in campus newspapers and other media, and the concomitant obligation to adhere to the canons of responsible journalism.

It should be made clear in writings or broadcasts that editorial opinions are not necessarily those of the

institution or its members.

The campus is not a sanctuary from the general law.

The campus does not stand in loco parentis for its members.

Each member of the campus has the right to organize his or her own personal life and behavior, so long as it does not violate the law or agreements voluntarily entered into, and does not interfere with the rights of others or the educational process.

Admission to, employment by, and promotion within the campus shall accord with the provisions against discrimination in the general law.

All members of the campus have other responsibilities and rights based upon the nature of the educational process and the requirements of the search for truth and its free presentation. These rights and responsibilities include:

Obligation to respect the freedom to teach, to learn, and to conduct research and publish findings in the spirit of free inquiry.

Institutional censorship and individual or group intolerance of the opinions of others are inconsistent with this freedom.

Freedom to teach and to learn implies that the teacher has the right to determine the specific content of his course, within the established course definition, and the responsibility not to depart significantly from his area of competence or to divert significant time to material extraneous to the subject matter of his course.

Free inquiry implies that (except under conditions of national emergency) no research, the results of which are secret, is to be conducted on the campus.

Obligation not to interfere with the freedom of members of the campus to pursue normal academic and administrative activities, including freedom of movement.

Obligation not to infringe upon the right of all members of the campus to privacy in offices, laboratories, and dormitory rooms and in the keeping of personal papers, confidential records, and effects, subject only to the general law and to conditions voluntarily entered into.

Campus records on its members should contain only information which is reasonably related to the educational purposes or safety of the campus.

Obligation not to interfere with any member's freedom to hear and to study unpopular and controversial views on intellectual and public issues.

Right to identify oneself as a member of the campus and a concurrent obligation not to speak or act on behalf of the institution without authorization.

Right to hold public meetings in which members participate, to post notices, and to engage in peaceful, orderly demonstrations.

Reasonable and impartially applied rules, designed to reflect the educational purposes of the institution and to protect the safety of the campus, shall be established regulating time, place, and manner of such activities and allocating the use of facilities.

Right to recourse if another member of the campus is negligent or irresponsible in performance of his or her responsibilities, or if another member of the campus represents the work of others as his or her own.

Right to be heard and considered at appropriate levels of the decision-making process about basic policy matters of direct concern.

Members of the campus who have a continuing association with the institution and who have substantial authority and security have an especially strong obligation to maintain an environment conducive to respect for the rights of others and fulfillment of academic responsibilities.

Tenured faculty should maintain the highest standards in performance of their academic responsibilities.

Trustees have a particular responsibility to protect the integrity of the academic process from external and internal attacks; and to prevent the political or financial exploitation of the campus by any individual or group.

3

The institution, and any division or agency which exercises direct or delegated authority for the institution, has rights and responsibilities of its own. The rights and responsibilities of the institution include:

Right and obligation to provide an open forum for members of the campus to present and debate public issues.

Right to prohibit individuals and groups who are not members of the campus from using its name, its finances, and its physical and operating facilities for commercial or political activities.

Right to prohibit members of the campus from using its name, its finances, or its physical and operating facilities for commercial activities.

Right and obligation to provide, for members of the campus, the use of meeting rooms under the rules of the campus, including use for political purposes such as meetings of political clubs; to prohibit use of its rooms by individual members or groups of members on a regular or prolonged basis as free headquarters for political campaigns; and to prohibit use of its name, its finances, and its office equipment and supplies for any political purpose at any time.

Right and obligation not to take a position as an institution, in electoral politics or on public issues except on those issues which directly affect its autonomy, the freedom of its members, its financial support, and its academic functions.

Right and obligation to protect the members of the campus and visitors to it from physical harm, threats of harm, or abuse; its property from damage and unauthorized use; and its academic and administrative processes from interruption.

Right to require that persons on the campus be willing to identify themselves by name and address, and state what connection, if any, they have with the campus.

Right to set reasonable standards of conduct in order to safeguard the educational process and to provide for the safety of members of the campus and the institution's property.

Right to deny pay and academic credit to members of the campus who are on strike;* and the concomitant obligation

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*In case of total or partial closures due to strikes, we suggest immediate cessation of pay and academic credit for those directly participating. The campus should not make claim to be the only area of society where strikes are cost-free to their participants. Workers uniformly forgo their pay as they withdraw their services. They are subject to the cost of strikes as well as the potential benefits. Persons on campus can hardly expect the one and only "free ride." A cost-free strike, also, is not an effective means

to accept legal strikes legally conducted without recourse to dismissal of participants.

4

All members of the campus have a right to fair and equitable procedures which shall determine the validity of charges of violation of campus regulations.

The procedures shall be structured so as to facilitate a reliable determination of the truth or falsity of charges, to provide fundamental fairness to the parties, and to be an effective instrument for the maintenance of order.

All members of the campus have a right to know in advance the range of penalties for violations of campus regulations. Definition of adequate cause for separation from the campus should be clearly formulated and made public.

Charges of minor infractions of regulations, penalized by small fines or reprimands which do not become part of permanent records, may be handled expeditiously by the appropriate individual or committee. Persons so penalized have the right to appeal.

In the case of charges of infractions of regulations which may lead to notation in permanent records, or to more serious penalties, such as suspension or expulsion, members of the campus have a right to formal procedures with adequate due process, including the right of appeal.

Members of the campus charged or convicted of violations under general law may be subject to campus sanctions for the same conduct, in accord with campus policies and procedures, when the conduct is in violation of a campus rule essential to the continuing protection of other members of the campus or to the safeguarding of the educational process.

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of demonstrating moral conviction.

The following commentary was also contained in the Comission's Report:

4. A Bill of Rights and Responsibilities for Members of the Campus

Campuses, historically, have had few explicit guidelines for the rights and responsibilities of all of their members. They have operated, instead, on the basis of certain principles and relationships affecting separately each of their constituent groups. Increasingly, however, these traditional arrangements are no longer fully effective in some places. Among the traditional guidelines are the following:

One set of principles, pursued particularly by the American Association of University Professors, has sought to protect academic freedom from attacks by trustees, administrators, legislators, and the general public. Academic freedom, however, is now under attack from within the campuses as well as from outside.

There has been a series of regulations, campus by campus, governing academic requirements and the social conduct of students. Students now want to be within the academic community, and to take part in decisions which affect them, not merely to be under the rules of a campus. Moreover, as the campuses have given up their roles in loco parentis, many regulations have come to be inappropriate although they still exist in fact.

There have been the largely unwritten but shared understandings among faculty members and administrators about the nature of academic life and desirable conduct within it. These understandings have mainly involved collegial consensus about professional ethics and full tolerance toward the individual faculty member in his own teaching and research endeavors. Faculty members no longer share all the same understandings; in particular, there are disagreements over what constitutes appropriate political activity by and within the institution.

These three sets of principles and relationships have left certain gaps:

Faculty responsibilities--perhaps particularly

the greater responsibilities of faculty members with tenure, since they have greater security, authority, and status--have been less clearly set forth than faculty rights.

Student rights have often been less carefully established than student responsibilities.

The appropriateness of political action on a campus, by whomever, but particularly by the institution and its component parts, has not been sufficiently defined.

Too much has been left to oral tradition. More people need to know more precisely what is expected of them.

Disruption and violence, from whatever source, have not been adequately defined and proscribed.

We believe the time has come for campuses to develop bills of rights and responsibilities for <u>all</u> of their members. As participants in the educational process in a particular institution, individuals share certain basic rights and responsibilities regardless of their roles in the institution.

The consensus and selective rules of the past have too often become the confusion of the present. Reforms which are needed on campuses can be undertaken more successfully if there are broad prior agreements about the rights and responsibilities of any and all members of the institution. There are explicit codes on conduct as well as checks on the behavior of individuals in other institutions in society, and there is a need for them now in campus communities.

The process of formulating such agreements should be so structured that it will give rise to the greatest of understanding and the widest acceptance of the results.

The process can be as important as the formal results. Guidelines for the conduct of all members of a campus should, consequently, be developed by each campus through wide consultation and discussion. Each major group has an important and distinct role to play.

Students should have full rights of initiation of proposals and of consultation. The faculty has a particular role to play in its own right but also through its dual relationship to the students and to the administrators and trustees.

Presidents bear the greatest burden of leadership. Trustees have, however, the ultimate responsibility for adoption of guidelines as policy.

Opinions from All Segments

We agree with the Scranton Commission, which has also suggested the need for a set of guidelines on the conduct, that in adopting them "...the opinions of all segments of the university should be sought. The justification for such openness goes far beyond the need to establish 'credibility.' Different parts of the University community have different values and interests which can be reconciled in a code of discipline only if all factions have the opportunity to be heard.

"The extent of direct participation of university members in these processes will vary from one institution to another, and will in any event depend on their good faith and willingness to work for the common good of the university."

We also agree with the Scranton Commission that, in the end, there must be a document, whether a code of discipline as they recommend, or a bill of rights and responsibilities as we recommend, or both:

"We emphasize that the community cannot allow itself to be jeopardized by the failure of all segments of the university to agree on a disciplinary code. Agreement is desirable, but even in its absence there must be a code."

Thus, agreement of all elements of a campus should be the goal, but tacit acceptance may be the best that can beobtained in some circumstances. One way or another, there needs to be a setting forth of rights and responsibilities.

Not every specific act which would violate rights and responsibilities can be covered in any bill or code; therefore rights and responsibilities as well as codes of conduct must be broadly stated and then reasonably interpreted.

The comission has prepared an example or model of such a bill of rights and responsibilities, intended to

apply to a whole campus: faculty, students, administrators, staff, and trustees.

It incorporates minimal principles which should guide behavior in the academic community if the campus is to serve its essential purposes--to pursue knowledge and to teach in an atmosphere conducive to the free exchange of ideas. While members of campuses have other special obligations because of their particular roles in the institution, all members share the common rights and obligations described below.

We hope that each campus, if it has not already done so, will develop its own bill of rights and responsibilities, perhaps using as one basis the guidelines that follow.

No Guarantee Against Disruption

The bill itself cannot, of course, guarantee that there will be no disruptive or violent behavior on a campus. A campus is particularly vulnerable to disruption and violence because so many different people come and go almost around the clock in a free-flowing sort of way. No other institution in society is so open to so many people so much of the time--not the factory or store, not the office or service shop, not the government bureau or high school.

Disruption, also, can result from the actions of very small numbers of persons, and terrorism from even fewer. But the process of developing the bill, and the principles embodied in it, may help to create an atmosphere in which such behavior is less likely to occur and can better be met if it does.

The commission's bill of rights and responsibilities is intended as a working document which campuses may use in developing their own bills. Because of the great diversity in higher education in the United States, the principles set forth here are necessarily general, and individual institutions would need to adapt them according to their own particular circumstances.

We see at least three merits in the general approach of this model bill:

It treats rights and responsibilities simultaneously.

One person's rights are only effective as other people recognize them and accept responsibility to guarantee them.

It approaches a total campus community as a single entity. Too often, in the past, faculty members have set rules for the students but not for themselves. We believe the time is appropriate for certain rights and responsibilities to be applied equally to all members of a campus.

It establishes the principle that the greater the privileges of members of the institution, the more responsible they should be for maintenance of high standards of conduct and an environment conducive to extending, sharing, and examining knowledge and values. Thus, faculty members with tenure, as well as trustees and administrators, all of whom have substantial authority and security, should not inhabit protected enclaves above and beyond the rule of law nor be shielded from the legitimate grievances and requests of other elements of a campus.

We see the academic process essentially as a means to ascertain truth as against falsity, to gain knowledge as against ignorance, to improve intellectual excellence as against shoddiness. Thus procedural values are of the highest importance. A campus is not and must become a place for <u>any</u> means to any self-chosen end. This is the central theme of this proposed bill.

APPENDIX D

HARVARD UNIVERSITY, "A RESOLUTION ON RIGHTS AND RESPONSIBILITIES

Text of the Resolution on Rights and Responsibilities, passed by the Faculty of Arts and Sciences on April 14, 1970:

The central functions of an academic community are learning, teaching, research, and scholarship. By accepting membership in the University, an individual joins a community ideally characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change. The rights and responsibilities exercised within the community must be compatible with these qualities.

The rights of members of the University are not fundamentally different from those of other members of society. The University, however, has a special autonomy and reasoned dissent plays a particularly vital part in its existence. All members of the University have the right to press for action on matters of concern by any appropriate means. The University must affirm, assure and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate, and publicize opinion by print, sign, and voice.

The University places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based. Furthermore, although the administrative processes and activities of the University cannot be ends in themselves, such functions are vital to the orderly pursuit of the work of all members of the University. Therefore, interference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of

the University. Theft or willful destruction of the property of the University or its members must also be considered an unacceptable violation of the rights of individuals or of the community as a whole.

Moreover, it is the responsibility of all members of the academic community to maintain an atmosphere in which violations of rights are unlikely to occur and to develop processes by which these rights are fully assured. In particular, it is the responsibility of officers of administration and instruction to be alert to the needs of the University community; to give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expressions and to widely-expressed needs for change. In making decisions which concern the community as a whole or any part of the community, officers are expected to consult with those affected by the decisions. Failures to meet these responsibilities may be profoundly damaging to the life of the University. Therefore, the University community has the right to establish orderly procedures consistent with imperatives of academic freedom to assess the policies and assure the responsibility of those whose decisions affect the life of the University.

No violation of the rights of members of the University, nor any failure to meet responsibilities, should be interpreted as justifying any violation of the rights of members of the University. All members of the community--students and officers alike--should uphold the rights and responsibilities expressed in this Resolution if the University is to be characterized by mutual respect and trust.

The following constitutes an interpretation of the Resolution on Rights and Responsibilities:

Resolved: that the Faculty regards it as implicit in the language of the Resolution on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.